# EXHIBIT "A"

### Case 2:21-cv-02111-JAD-BNW Document 1-3 Filed 11/29/21 Page 2 of 7



Service of Process Transmittal

11/03/2021

CT Log Number 540528777

**TO:** Donna Shavers

Albertson's LLC

PO BOX 160066, 321 MONTGOMERY RD ALTAMONTE SPRINGS, FL 32716-0066

RE: Process Served in Nevada

FOR: Albertson's LLC (Domestic State: DE)

### ENCLOSED ARE COPIES OF LEGAL PROCESS RECEIVED BY THE STATUTORY AGENT OF THE ABOVE COMPANY AS FOLLOWS:

TITLE OF ACTION: Re: FRANCISCO PEREZ DEL RIVERO, individually // To: Albertson's LLC

DOCUMENT(S) SERVED: --

COURT/AGENCY: None Specified

Case # A21842961C

NATURE OF ACTION: Personal Injury - Failure to Maintain Premises in a Safe Condition

ON WHOM PROCESS WAS SERVED: C T Corporation System, Carson City, NV

DATE AND HOUR OF SERVICE: By Process Server on 11/03/2021 at 13:04

JURISDICTION SERVED: Nevada

APPEARANCE OR ANSWER DUE: None Specified

ATTORNEY(S) / SENDER(S): None Specified

**ACTION ITEMS:** CT has retained the current log, Retain Date: 11/04/2021, Expected Purge Date:

11/09/2021

Image SOP

Email Notification, Michael McCue Michael.McCue@safeway.com Email Notification, Donna Shavers donna.shavers@albertsons.com

Email Notification, Risk Management Group RM.Claim.Support@Safeway.com

Email Notification, Carmen Rowland Carmen.Rowland@safeway.com

REGISTERED AGENT ADDRESS: C T Corporation System

C T Corporation System 701 S. Carson Street Suite 200 Carson City, NV 89701

866-203-1500

DealTeam@wolterskluwer.com

The information contained in this Transmittal is provided by CT for quick reference only. It does not constitute a legal opinion, and should not otherwise be relied on, as to the nature of action, the amount of damages, the answer date, or any other information contained in the included documents. The recipient(s) of this form is responsible for reviewing and interpreting the included documents and taking appropriate action, including consulting with its legal and other

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advisors as necessary. CT disclaims all liability for the information contained in this form, including for any omissions or inaccuracies that may be contained therein.

**SUMM** 1 Joshua L. Benson, Esq. 2 Nevada Bar No. 10514 **BENSON ALLRED** 6250 N. Durango Dr. 3 Las Vegas, Nevada 89149 Telephone: (702) 820-0000 4 Facsimile: (702) 820-1111 5 E-mail:josh@bensonallred.com Attorneys for Plaintiff 6 DISTRICT COURT 7 CLARK COUNTY, NEVADA 8 9 CASE NO.: CASE NO: A-21-842961-C FRANCISCO PEREZ DEL RIVERO. DEPT. NO.: individually; Department 18 10 Plaintiff. 11 **SUMMONS** 12 ALBERTSON'S LLC d/b/a ALBERTSONS/a timited liability company; DOES I - X; and ROE CORPORATIONS I - X, inclusive, 13 14 Defendants. 15 NOTICE! YOU HAVE BEEN SUED, THE COURT MAY DECIDE AGAINST YOU WITHOUT YOUR BEING HEARD UNLESS YOU RESPOND WITHIN 20 DAYS, READ THE INFORMATION BELOW. 16 17 ALBERSTON'S LLC d/b/a ALBERTSONS 18 TO THE DEFENDANT(S): A civil Complaint has been filed by the Plaintiff(s) against you for the relief set forth in the Complaint. 19 If you intend to defend this lawsuit, within 20 days after this Summons is served on you, exclusive of the day of service, you must do the following: 20 File with the Clerk of this Court, whose address is shown below, a formal written response to the Complaint in accordance with the rules of the Court, with the appropriate filing fee. 21 Serve a copy of your response upon the attorney whose name and address is shown below. Unless you respond, your default will be entered upon application of the Plaintiff(s) and this Court may enter a 22 judgment against you for the relief demanded in the Complaint, which could result in the taking of money or property or other relief requested in the Complaint 23 If you intend to seek the advice of an attorney in this matter, you should do so promptly so that your response may be 3. filed on time. 24 The State of Nevada, its political subdivisions, agencies, officers, employees, board members, commission members and legislators, each have 45 days after service of this summons within which to file an answer or other responsive pleading to STEVEN D. GRIERSON 25 the complaint. Issued at the direction of: CLERK OF THE COURT 26 10/22/2021 /s/ Joshua Benson 27 DATE Joshua L. Benson, Esq. DEPUTY CLERK Ofelia David 200 Lewis Avenuc, 5th Floor Nevada Bar No. 10514

Las Vegas, Nevada 89155-1601

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6250 N. Durango Drive, Las Vegas, NV 89149

10/21/2021 9:40 AM Steven D. Grierson CLERK OF THE COUR 1 **COMP** Joshua L. Benson, Esq. 2 Nevada Bar No. 10514 **BENSON ALLRED** CASE NO: A-21-842961-C 3 6250 N. Durango Dr. Department 18 Las Vegas, Nevada 89149 4 Telephone: (702) 820-0000 Facsimile: (702) 820-1111 5 E-mail:josh@bensonallred.com Attorneys for Plaintiffs 6 DISTRICT COURT 7 CLARK COUNTY, NEVADA 8 FRANCISCO PEREZ DEL RIVERO. individually; 9 CASE NO. DEPT. NO. Plaintiff, 10 11 **COMPLAINT** ALBERTSON'S LLC d/b/a ALBERTSONS a 12 limited liability company; DOES I - V; and ROE CORPORATIONS VI - X, inclusive, ARBITRATION EXEMPT 13 [Amount in Controver'sy Exceeds \$50,000] Defendants. 14 15 Plaintiff complains as follows: 16 **GENERAL ALLEGATIONS** 17 1. The actions complained of herein occurred in Clark County, Nevada. 18 This Court has jurisdiction over this matter under NRS 14.065 and NRS 4.370(1) because the 2. 19 facts alleged occurred in Clark County, Nevada and involve an amount in controversy in excess of 20 \$100,000.00. Venue is proper under NRS 13.040 because, upon information and belief, Defendant, or any 21 one of them, resided in Clark County, Nevada at the commencement of this action. 22 3. Defendant Albertson's LLC d/b/a/ Albertsons is, and at all times mentioned herein was, a 23 foreign limited liability company or other business entity, doing business in Clark County, State of Nevada. 24 4. The true names and capacities of the Defendants designated herein as Doe or Roe 25 Corporations are presently unknown to Plaintiff at this time, who therefore sues said Defendants by such 26 fictitious names. When the true names and capacities of these defendants are ascertained, Plaintiffs will 27 amend this Complaint accordingly. 28

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- 5. The Defendants designated herein as DOE or ROE ENTITIES are other owners, operators, managers, controllers, designers, maintenance providers, and/or otherwise responsible for building and/or maintenance of the Subject Property.
- 6. At all times pertinent herein, Defendants were agents, servants, employees or joint venturers of every other Defendant, and at all times mentioned herein were acting within the scope and course of said agency, employment, or joint venture, with knowledge and permission and consent of all other named Defendants.
- 7. On October 27, 2019, Plaintiff was an invitee at Defendant Albertson's LLC property located at 5881 E. Charleston Boulevard, Las Vegas, Nevada (hereafter the "Location").
- 8. Upon information and belief, the Location is owned, designed, operated, maintained, managed, and/or controlled by Albertson's LLC and related unknown entities designated as ROE Entities VI-X.
- 9. While shopping at the Location, Plaintiff slipped on a substance, believed to be fruit, that was on the floor (hereafter the "dangerous condition"), causing Plaintiff to sustain serious injuries.
- 10. Defendants failed to display any warning signs as to the area's dangerous condition at the time of Plaintiff's fall.
- 11. Defendants should have warned or otherwise made safe the dangerous condition because that condition was non-obvious to Plaintiff.
- 12. Defendants negligently, carelessly, and recklessly maintained, constructed and allowed the dangerous condition to exist.

## FIRST CAUSE OF ACTION

## (Negligence)

- 13. Plaintiff incorporates paragraphs 1 through 12 of the Complaint as though said paragraphs were fully set forth herein.
- 14. Defendants owed Plaintiff a duty of care to maintain and inspect the location and keep it clean of debris and hazards.
- 15. Defendants owed Plaintiff a duty of care to warn Plaintiff of the non-obvious and dangerous condition.

- 16. Defendants breached that duty of care by failing to maintain and inspect the location, and failure to warn Plaintiff of its dangerous condition which was allowed to remain on the floor.
- 17. As a direct and proximate result of the negligence of Defendants, Plaintiff slipped and fell and has been damaged in an amount in excess of \$100,000.00. Plaintiff received medical and other treatments for injuries sustained to her body, all or some of which conditions may be permanent and disabling and, all to Plaintiff's damage.
- 18. As a direct and proximate result of Defendants' negligence, Plaintiff has been required to and has limited certain recreational activities, which have caused, and shall continue to cause loss of enjoyment of life.

WHEREFORE, Plaintiff expressly reserves the right to amend this complaint prior to or at the time of trial of this action, to insert those items of damage not yet fully ascertainable, prays judgment against all Defendants, and each of them, as follows:

- 1. For general damages in an amount in excess of \$100,000.00;
- 2. For special damages in an amount in excess of \$100,000.00;
- 3. For reasonable attorney's fees and costs;
- 4. For interest at the statutory rate; and
- 5. For such other relief as the Court deems just and proper.

BENSON ALLRED INJURY LAW

/s/ Joshua Benson
Joshua L. Benson, Esq.
Nevada Bar No. 10514
6250 North Durango Drive
Las Vegas, Nevada 89149
Attorneys for Plaintiff